

[7-605.] 9-704.

(a) Payment to an employee for work-related accident leave taken under this subtitle shall be based on two-thirds of the employee's regular pay.

(b) Payment for work-related accident leave taken under this subtitle constitutes a separate benefit on account of accidental disability and is not a continuation of salary.

(c) Notwithstanding the reduced rate that an employee is paid while using work-related accident leave, the employee:

(1) continues seniority and leave accruals based on the employee's regular pay; and

(2) does not lose health care benefits with the subsidy allowed in [Title 8, Subtitle 1] TITLE 2, SUBTITLE 6 of this article solely because of use of the work-related accident leave.

(d) An employee may not receive temporary total disability benefits under the Maryland Workers' Compensation Act while the employee is receiving payment under this subtitle.

[7-606.] 9-705.

(a) If someone other than the employee or [this] THE State causes an injury for which work-related accident leave is taken under this subtitle, [this] THE State, as employer, after giving written notice to the employee, is subrogated to the rights of the employee to the extent of any compensation paid or owed under this subtitle.

(b) [If, within 90 days after the employee receives notice from this State under subsection (a) of this section, the employee fails to enforce the claim against the person causing the injury or fails to give written notice to this State of an intent to do so, this State, in its own name and for its own benefit, may bring an action or join in an action.] THE STATE, IN ITS OWN NAME AND FOR ITS OWN BENEFIT, MAY BRING AN ACTION OR JOIN IN AN ACTION IF:

(1) WITHIN 90 DAYS AFTER THE EMPLOYEE RECEIVES NOTICE FROM THE STATE UNDER SUBSECTION (A) OF THIS SECTION, THE EMPLOYEE FAILS TO:

(I) ENFORCE THE CLAIM AGAINST THE PERSON CAUSING THE INJURY; OR

(II) GIVE WRITTEN NOTICE TO THE STATE OF AN INTENT TO DO SO; OR

(2) WITHIN A REASONABLE TIME AFTER GIVING THE STATE NOTICE OF AN INTENT TO ENFORCE THE CLAIM AGAINST THE PERSON CAUSING THE INJURY, THE EMPLOYEE FAILS TO TAKE ACTION TO ENFORCE THE CLAIM.

(c) An action brought by [this] THE State under this section is not a bar to any other claim related to the injury.